

SUPPLEMENTAL DETAILED ACTION

Claims 1-15, 26-32, 34-35, 40-49, 56-59 and 62-66 are pending in this application for US Patent, claims 63-66 being newly added in the most recent amendment submitted by Applicant on 1/15/2010.

The 37 CFR § Declaration submitted on 26 February 2010 by Dr. Sheldon E. Borel was fully considered; Dr. Borel's *Curriculum Vitae* being is duly noted. This Declaration is sufficient to provide evidence that the compound cobaltocene octamethyl provides for anti-mycobacterial activity against *Mycobacterium smegmatis*.

Attorney Michael David contacted the Examiner on June 28, 2010 to request further changes to the claims as well as new claims which appear as claims 86-89 below. The extent of the conversation was essentially directed solely to the modification of the allowed claims which is represented below (see Interview Summary of 6/28/2010 which accompanies this Detailed Action).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's June 28, 2010.

IN THE CLAIMS:

Please make the following changes to the claims:

Cancel claims 1-15, 26-32, 34-35, 40-49, 56-59 and 62-66 which includes withdrawn claims not eligible for rejoinder practice.

Add the following new claims:

--Claim 67. A method of preparing a composition having antibacterial activity comprising extracting *Mammea Americana* in an organic solvent, contacting the extract with a chromatographic separation system, eluting a fraction comprising cobaltocene octomethyl from the chromatographic separation system with a mobile polar phase and collecting said fraction, wherein said fraction has antibacterial activity.

Claim 68. The method of claim 67, wherein said fraction further contains stigmasteran-3,5,-diene, acetic acid, friedelin, terpene or a mixture thereof.

Claim 69. The method of any one of claims 67 or 68, wherein said method further comprises addition of a pharmaceutically acceptable carrier to the collected fraction.

Claim 70. A method of preparing a composition having antibacterial activity comprising extracting *Merchantia polymorpha* in an organic solvent, contacting the extract with a chromatographic separation system, eluting a fraction comprising cobaltocene octomethyl from the chromatographic separation system with a mobile polar phase and collecting said fraction, wherein said fraction has antibacterial activity.

Claim 71. The method of claim 70, wherein said fraction further contains β -myrcene, acetic acid or a mixture thereof.

Claim 72. A method for inhibiting the growth of *Mycobacterium* comprising administering to a patient in need thereof, a pharmaceutical composition comprising an effective amount of cobaltocene octomethyl.

Claim 73. The method of claim 72 wherein said patient is a mammal.

Claim 74. The method of claim 73 wherein said mammal is human or bovine.

Claim 75. The method of claim 72, wherein said pharmaceutical composition further comprises a compound selected from the group consisting of stigmastan-3,5,-diene, β -myrcene, acetic acid, friedelin and terpene.

Claim 76. The method of claim 72, wherein said pharmaceutical composition further comprises stigmastan-3,5,-diene, acetic acid, friedelin and terpene.

Claim 77. The method of claim 72, wherein said pharmaceutical composition further comprises β -myrcene and acetic acid.

Claim 78. The method of any one of claims 72, 73, 74, 75, 76 or 77 wherein said pharmaceutical composition further comprises a pharmaceutically acceptable carrier.

Claim 79. The method of any one of claims 72, 73, 74, 75, 76 or 77 wherein said administration includes parenteral, topical or oral administration.

Claim 80. The method of any one of claims 67, 70 or 72, wherein said cobaltocene octomethyl is cobaltocene 1,1',2,2',3,3',4,4' octamethyl.

Claim 81. A method for inhibiting the growth of *Mycobacterium in-vitro*, said method comprising administering a composition comprising an effective amount of cobaltocene octomethyl to inhibit *in-vitro* growth of *Mycobacterium*.

Claim 82. The method of claim 81, wherein said composition further comprises a compound selected from the group consisting of stigmastan-3,5,-diene, acetic acid, friedelin, terpene and a mixture thereof.

Claim 83. The method of claim 81, wherein said composition further comprises β -myrcene.

Claim 84. The method of claim 81, wherein said pharmaceutical composition further comprises β -myrcene and acetic acid.

Claim 85. The method of any one of claims 81, 82, 83 or 84, wherein said cobaltocene octomethyl is cobaltocene 1,1',2,2',3,3',4,4' octamethyl.--.

86. The method of claim 67 or 70 wherein the organic solvent is methylene chloride.

87. The method of claim 67 wherein said *Mammea Americana* is *Mammea Americana* leaves.

88. The method of claim 70, wherein said *Merchantia polymorpha* is *Merchantia polymorpha* leaves.

89. The method of claim 74, wherein said mammal is human.

Claims 67-89 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Leith whose telephone number is (571) 272-0968. The examiner can normally be reached on Monday - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 1655

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June 28, 2010